

AG Contract No. KR98 2132TRN
ADOT ECS File No. JPA 98-164
Project: Police Officer Assistance
Section: US-93, Wash Bridge - Kingman

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE DEPARTMENT OF TRANSPORTATION
AND
MOHAVE COUNTY, ARIZONA

THIS AGREEMENT is entered into 4 November, 1998, pursuant to Arizona Revised Statutes Section 11-952 through 11-954 as amended, between THE STATE OF ARIZONA, acting by and through the DEPARTMENT OF TRANSPORTATION (the "State"), and MOHAVE COUNTY, ARIZONA, acting by and through its BOARD OF SUPERVISORS (the "COUNTY").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County empowered by Arizona Revised Statutes Section 11-952 to enter into this agreement and has resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.

3. The State has a requirement for police officer construction assistance at a highway improvement project on US-93 between Wash Bridge and the City of Kingman in the County. The County has agreed to provide the State with police officer personnel for construction assistance, all at State expense, for the safety and benefit of the motoring public.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:
=====

NO. 22772
Filed with the Secretary of State
Date Filed: 11/04/98

Betty Bayless
Secretary of State

By Dicky D. Greenwald

II. SCOPE

1. The State will:

a. Appoint State personnel with appropriate authority to coordinate the work contemplated herein with the County. Notify the County at least 48 hours prior to any County police officer construction assistance service requirement.

b. Upon receipt of an invoice, reimburse the County for the reasonable direct actual cost of police officer construction assistance services provided, with no profit or fee, at the rate of \$34.41 per hour (including police patrol vehicle).

2. The County will:

a. Appoint County personnel with appropriate authority to coordinate the work contemplated herein with the State. Upon notification by the State, dispatch County police officer personnel with appropriate equipment and patrol vehicle to sites as requested by the State.

b. Maintain a detailed accounting of officers dispatched to State sites for service, hours worked, hourly rate, etc. to accompany invoices to the State. No more often than monthly, invoice the State, in the form of Exhibit A attached hereto, for costs incurred the previous month, at the rate of \$34.41 per hour, with no County profit or fee.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until cancelled by either party or other competent authority.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

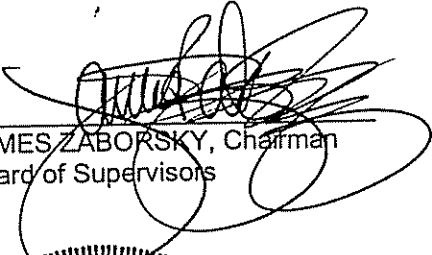
Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Mohave County
County Manager
301 W. Beale Street
Kingman, AZ 86401

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

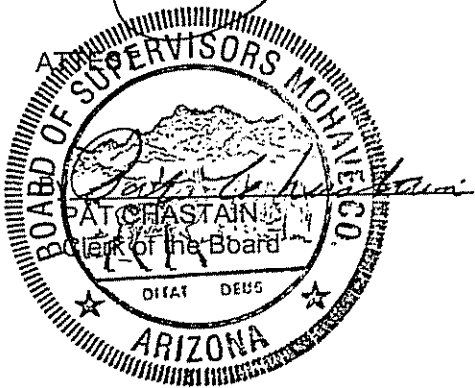
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

MOHAVE COUNTY

By 
JAMES ZABORSKY, Chairman
Board of Supervisors

STATE OF ARIZONA
Department of Transportation

By 
WILLIAM J. HIGGINS
Deputy State Engineer



RESOLUTION NO. 98-381

WHEREAS, the Mohave County Board of Supervisors met in Regular Session this 5th day of October 1998; and

WHEREAS, the Mohave County Board of Supervisors has determined, it would be in the best interest and safety of the citizens of Mohave County to enter into an agreement with the State of Arizona Department of Transportation for police officer construction assistance; and

WHEREAS, Mohave County is empowered by Section 11-951, Arizona Revised Statutes to enter into Intergovernmental Agreements; and

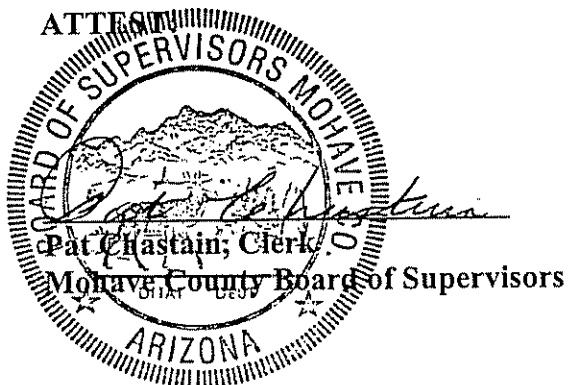
WHEREAS, the Mohave County Board of Supervisors has resolved to enter into an agreement and hereby authorizes the execution of an Intergovernmental Agreement with the State of Arizona Department of Transportation for police officer construction assistance.

NOW THEREFORE, BE IT RESOLVED, James R. Zaborsky, Chairman of the Mohave County Board of Supervisors is hereby authorized to sign the Intergovernmental Agreement on behalf of Mohave County.

PASSED, APPROVED AND ADOPTED, this 5th day of October 1998.

MOHAVE COUNTY BOARD OF SUPERVISORS

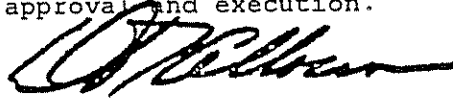

JAMES R. ZABORSKY, Chairman



RESOLUTION

BE IT RESOLVED on this 18th day of September 1998, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with Mohave County for the purpose of defining responsibilities for the County to provide officer assistance at State highway construction sites.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.

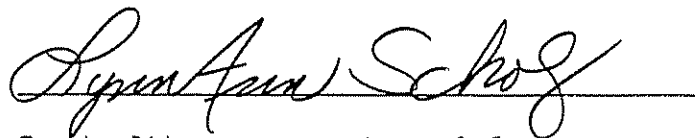


DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

APPROVAL OF THE MOHAVE COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and MOHAVE COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 23rd day of September, 1998.


County Attorney, LynnAnn Scholz



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

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GRANT WOODS
ATTORNEY GENERAL

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INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR98-2132TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATE October 27, 1998.

GRANT WOODS
Attorney General

A handwritten signature in cursive script, reading "James R. Redpath", is written over a horizontal line.

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/16255

Enc.